

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
Case No.: 1:24-cv-22055-RKA**

ANTONIO CASTILLO,
ALEXANDER MENDEZ,
JOSE MIGUEL LOPEZ,
NICHOLAS LOVE,
RAUL CASTRILLO,
JAVIER EXPOSITO,
JESSICA COBAS,
MARGARELYS FLORES,
NALLELY FERNANDES,
MARIANGEL VILLAREAL, and
ZHUO CHOI

Plaintiffs,

v.

SHOMA GROUP, LLC,
a Florida Limited Liability Company d/b/a
SHOMA BAZAAR

Defendant.

PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Plaintiffs, ANTONIO CASTILLO, ALEXANDER MENDEZ, JOSE MIGUEL LOPEZ, NICHOLAS LOVE, RAUL CASTRILLO, JAVIER EXPOSITO, JESSICA COLBAS, MARGELYS FLORES, NALLELY FERNANDES, MARIANGEL VILLAREAL, and ZHUO CHOI (collectively, "Plaintiffs"), through their undersigned counsel, moves for an order permitting them to amend their pleading and in support, states as follows:

1. Federal Rule of Civil Procedure 15(a)(2) provides that a party may amend its pleading with the Court's leave, and "[t]he court should freely give leave when justice so requires."
2. The Supreme Court has emphasized that leave to amend should be granted unless there is a substantial reason to deny it, such as undue delay, bad faith, dilatory motive, repeated

failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party, or futility of the amendment. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

3. On May 29, 2024, Plaintiffs filed their Complaint against Defendant SHOMA GROUP, LLC, d/b/a SHOMA BAZAAR (“Shoma Bazaar” or “Defendant”).

4. Plaintiffs’ Complaint was filed in the UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA, Case No.: 1:24-cv-22055-RKA.

5. After filing the Complaint, Plaintiffs discovered additional individuals who had been similarly affected by the actions of the Defendant and who were the subject of the Complaint.

6. Furthermore, Plaintiffs have uncovered additional facts that are pertinent to the claims and issues raised in this action.

7. The facts necessitating the amendment were not within Plaintiffs’ knowledge at the time of the service of the Initial Complaint.

8. Attached to this Motion as exhibit A is Plaintiffs’ Amended Complaint for which Plaintiffs seek leave from this Court to file. Ex. A.

9. Justice requires the amendment of the Plaintiffs’ Complaint so that the Plaintiffs’ claims may be fully and fairly presented against the Defendants.

10. Therefore, this Court should grant leave for Plaintiffs to file their Amended Complaint, which is attached to this Motion as Exhibit A.

11. Counsel for the movant has conferred with the Defendants in a good faith effort to resolve the issues raised in the Motion by email exchanges commencing June 26, 2024. *See* Ex. B.

12. Counsel for Defendant stated they object to the Plaintiffs filing an amended complaint or any further action in federal Court. *Id.*

13. Therefore, Plaintiffs have no other option but to seek leave from this Court to file their Amended Complaint.

WHEREFORE, Plaintiffs respectfully requests that the Court grant Plaintiff leave to file the attached Amended Complaint.

Respectfully Submitted,

By: /s/ Andres F. Vidales

Andres F. Vidales, Esq.

Florida Bar No.: 1041185

Counsel for Plaintiffs

9300 S. Dadeland Blvd., 4th Floor

Miami, FL 33156

Tel: (305) 670-1101

Fax: (305) 670-1161

andres.vidales@qpwbllaw.com

reginald.clyne@qpwbllaw.com

cecilia.quevedo@qpwbllaw.com

sofia.arcila@qpwbllaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing, Plaintiffs' Motion for Leave to File Amended Complaint, was filed with the Clerk of Court using the CM/ECF system on this 1st day of July, 2024, and the foregoing document is being served this day on all counsel or parties of record.

By: /s/ Andres F. Vidales